



CITY OF FREMONT NEBRASKA

COMMUNITY DEVELOPMENT AGENCY MEETING MINUTES

November 12, 2019, 7:00 P.M.

City Council Chambers 400 East Military, Fremont NE

1. Meeting called to order. After the Pledge of Allegiance, Chairman Getzschman called the meeting of the Community Development Agency to order and stated that a copy of the open meeting law is posted continually for public inspection located near the entrance door by the agendas.
2. Roll call. Roll call showed Members Ellis, Bechtel, Kuhns, Yerger, Jensen, Jacobus, McClain and Legband present. 8 Members present.
3. Resolution 2019-007 forwarding a proposed Redevelopment Plan for Fremont Mall – Enhanced Employment Area to the Planning Commission for purposes of review, public hearing and recommendation regarding said plan's conformity with the comprehensive plan of the City. Member Jacobus moved, seconded by Council Member Legband to amend Exhibit A to include Replat 2. Ayes: Ellis, Bechtel, Kuhns, Yerger, Jensen, Jacobus, McClain, Legband. Motion carried. Member Jacobus moved, seconded by Member Legband to approve Resolution 2019-007. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband, Nay: Bechtel. Motion carried.
4. Adjournment. Moved by Member Jensen seconded by Member McClain to adjourn the meeting. Ayes: McClain, Ellis, Yerger, Jensen, Jacobus, Kuhns, Legband, Bechtel. Motion carried. Meeting adjourned at 7:12 p.m.

CITY COUNCIL MEETING MINUTES

November 12, 2019

City Council Chambers 400 East Military, Fremont NE

REGULAR MEETING – 7:00 P.M.

MINUTES

REGULAR MEETING:

1. Meeting called to order. Mayor Getzschman called the meeting of the City Council to order and stated that a copy of the open meeting law is posted continually for public inspection located near the entrance door by the agendas.
2. Roll call. Roll call showed Council Members McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus and Legband present. 8 Councilmembers present.
3. Mayor comments
(There will be no discussion from the Council or the public regarding comments made by the Mayor. Should anyone have questions regarding the comments, please contact the Mayor after the meeting)
4. Motion to adopt current agenda for November 12, 2019 Regular Meeting. Council Member Jensen moved, seconded by Council Member Jacobus adopt the agenda for the November 12, 2019 Regular Meeting with item #33 to be taken up immediately following the consent agenda. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
5. Executive Session to discuss threatened or potential litigation. Moved by Council Member Jacobus, seconded by Council Member Legband to go into executive session for the purpose of discussing threatened

or potential litigation and for the further reason that the executive session is necessary for the protection of the public interest to include the Council and Legal. The Mayor stated a motion had been made and seconded to go into executive session for the purpose of discussing threatened or potential litigation and for the further reason that the executive session is necessary for the protection of the public interest and asked for discussion. The Mayor stated that the Mayor, City Administrator and Assistant City Administrator will not be present, but requested that Human Resources be included. Council Member Legband moved, seconded by Council Member McClain to amend the motion to include Human Resources in the Executive Session. Ayes: McClain, Kuhns, Bechtel, Jensen, Legband. Nays: Ellis, Yerger, Jacobus. Motion carried. The Mayor stated the amended pending motion was to go into executive session for the purpose of discussing threatened or potential litigation and for the further reason that the executive session is necessary for the protection of the public interest. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. The Mayor stated that there was a motion to go into executive session for the purpose of discussing threatened or potential litigation and for the further reason that the executive session is necessary for the protection of the public interest had been approved. Discussion will be limited to threatened or potential litigation. No official actions or votes will be taken during the executive session. Time in: 7:18 p.m. Moved by Council Member Jensen, seconded by Council Member McClain to come out of executive session where no official actions or votes were taken. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Time out: 8:05 p.m.

CONSENT AGENDA: Council Member Jacobus moved, seconded by Council Member McClain to approve consent agenda items 6, 7, 9, 12, 14 and 17. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.

6. Motion to approve October 30, 2019 through November 12, 2019 claims and authorize checks to be drawn on the proper accounts.
7. Move to receive Report of the Treasury.
9. Resolution 2019-230 authorizing Mayor to sign street and parking space closure agreement for live reindeer attraction at the annual downtown Christmas Walk.
12. Consideration of excavation/asphalt/concrete license application(s).
14. Resolution 2019-234 to allow the Mayor and Chief of Police to sign the Equitable Sharing Agreement and Certification to fund the III Corp Drug Task Force with seizure funds from drug investigations.
17. Resolution 2019-235 of the City Council of the City of Fremont, Nebraska, to approve the renewal of Maintenance Agreement No. 11, and all related documents, with the Nebraska Department of Roads.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION:

8. Dispense with and approve October 29, 2019 City Council Meeting Minutes. Council Member Jensen moved, seconded by Council Member McClain to approve the minutes as corrected to include Nay votes for item 17b. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
10. Move to appoint Jackson Radloff, Jared Poskochil, Jaydn Foster, and Francisco Cortes as Fremont Police Officers per recommendation of the Mayor. Council Member McClain moved, seconded by Council Member Jacobus to appoint Jackson Radloff, Jaydn Foster, and Francisco Cortes as police officers as recommended by the Mayor. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
11. Resolution 2019-231 accepting and authorizing the execution of a service/consultant agreement with Northeast Nebraska Economic Development District (NENEDD) for the general administration of Community Development Block Grant 19-EM-002. Council Member Jacobus moved, seconded by

Council Member Legband to approve Resolution 2019-231. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.

13. Resolution 2019-232 of the City Council of the City of Fremont, Nebraska, to renew the Department of Utilities' property insurance program with Starr Tech and Associated Electric & Gas Insurance Services Limited (AEGIS) for the November 27, 2019 to November 27, 2020 policy year. Council Member Yerger moved, seconded by Council Member Jacobus to amend the last paragraph of Resolution 2019-232 to strike "accept recommendation of the Utility and Infrastructure Board" and change the amount from \$606,300 to \$620,800. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. Council Member Yerger moved, seconded by Council Member Jacobus to approve Resolution 2019-232 as amended. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
15. Motion to approve fee waiver request for Christensen Field Indoor Horse Arena. Council Member Yerger moved, seconded by Council Member Jacobus to approve fee waiver as requested provided the requestor provides a certificate of insurance as outlined in the staff report. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
16. Motion to approve and authorize execution of Memorandum of Understanding with Fremont Public Schools authorizing School Resource Officers. Council Member Kuhns moved, seconded by Council Member Jensen to approve Memorandum of Understanding with Fremont Public Schools. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
33. Resolution 2019-240 approving a Local Option Economic Development Loan for \$165,000 to 505 Brewing Company, LLC, authorizing staff to negotiate a loan agreement, and authorizing the Mayor to sign the appropriate loan transactions. Council Member Jensen moved, seconded by Council Member Yerger to approve Resolution 2019-240. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Abstention: Bechtel. Motion carried.

PUBLIC HEARINGS:

18. Resolution 2019-236 to approve the Class I Liquor License for Chuy's Mexican Restaurant, LLC dba Chuy's Mexican Restaurant located at 215 N. Main Street, Suite B. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Council Member Legband moved, seconded by Council Member Kuhns to approve Resolution 2019-236. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Abstention: Bechtel. Motion carried.
19. Resolution 2019-237 to approve the Class C Liquor License for Downtown Dugout Bar, LLC dba Dugout Bar on Main located at 239 E. 6th Street. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Council Member Kuhns moved, seconded by Council Member Jacobus to approve Resolution 2019-237. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Abstention: Bechtel. Motion carried.
20. Resolution 2019-227 to approve a Conditional Use Permit to expand the Deerfield Clubhouse Apartments by 44 units on property legally described as Lot 1, Deerfield Second Addition, Fremont, Nebraska. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Council Member Bechtel moved, seconded by Council Member Legband to conditionally approve Resolution 2019-227. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
21. Resolution 2019-226 authorizing a conditional use permit for self storage units on a 3.83 acre parcel located at 460 W. 52nd Street. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Council Member Yerger moved, seconded by Council Member Jacobus to approve Resolution 2019-226. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.

22. Resolution 2019-224 to allow a modification to an existing Conditional Use Permit to all the removal of a 73' cell tower and replace it with a 129' cell tower located at 1600 E. Military Ave. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Council Member Jacobus moved, seconded by Council Member Legband to amend the Resolution to include having the top of the tower lit with a red light. Council Member Jacobus moved, seconded by Council Member Jensen to approve Resolution 2019-224 as amended. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
23. Resolution 2019-228 approving an amendment to a pre-existing Conditional Use Permit to reduce the area included in such permit on property located east of Linden Elementary School and south of the Presbyterian Church parking lot on the corner of Linden and K Streets. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Council Member Kuhns moved, seconded by Council Member Bechtel to approve Resolution 2019-228. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
 - a. Resolution 2019-229 of the City Council of the City of Fremont, Nebraska, approving a Conditional Use Permit for Four Triplex Dwelling Units on property generally located at Linden and K Streets. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Council Member Yerger moved to continue this item to the second meeting of the month. Motion failed due to lack of a second. Council Member Kuhns moved, seconded by Council Member Legband to approve Resolution 2019-229. Ayes: McClain, Ellis, Kuhns, Bechtel, Jensen, Jacobus, Legband. Nay: Yerger. Motion carried.
24. Ordinance 5516 annexing by voluntary petition 2.821 acres of property described as a tract of land being a portion of lot 8, poultry complex addition generally situated on the south side of Cloverly Rd., approximately 195 feet east of S. Main Street (first reading). Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Council Member Kuhns moved, seconded by Council Member Jensen to introduce Ordinance 5516. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. City Clerk provided first reading of the Ordinance.
 - a. Ordinance 5515 detaching property consisting of 12.34 acres generally situated east of South Main St. and north of Farm Hills Rd. (first reading). Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Council Member Jensen moved, seconded by Council Member Kuhns to introduce Ordinance 5515. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. City Clerk provided first reading.
25. Ordinance 5513 to rezone property associated with Brooks Hollow generally located at Aberdeen Street and Peterson Avenue, from R Rural to SR Suburban Residential (first reading). Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Council Member Legband moved, seconded by Council Member Jacobus to introduce and hold first reading of Ordinance 5513. Ayes: McClain, Ellis, Kuhns, Bechtel, Jensen, Jacobus, Legband. Nay: Yerger. Motion carried. City Clerk provided first reading.
 - a. Resolution 2019-225 of the City Council of the City of Fremont, Nebraska, to approve the Brooks Hollow Second Addition Final Plat. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Council Member Yerger moved, seconded by council Member Jacobus to continue the item. Ayes: Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Nays: McClain, Bechtel. Motion carried.
 - b. Ordinance 5514 annexing by voluntary petition Brooks Hollow Second Addition (first reading). Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Council Member Jacobus moved, seconded by Council

Member Kuhns to introduce and hold first reading of Ordinance 5514. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. City Clerk provided first reading.

UNFINISHED BUSINESS: requires individual associated action


26. Resolution 2019-209 of the City Council of the City of Fremont, Nebraska approving the City Council Meeting Agenda Policy. Council Member Yerger moved, seconded by Council Member Jacobus to continue the item to the first meeting in January 2020. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
27. Ordinance 5512 amending Chapter 3, Section 3-230 of the Fremont Municipal Code titled Municipal Sewerage System; charge and considerations for connections (second reading). Council Member Yerger moved, seconded by Council Member Jacobus to continue the item to the next meeting. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus. Nays: Kuhns, Legband. Motion carried.
28. Ordinance 5506 voluntary annexation application for approximately the north 220' of Lot 1, Fountain Springs Fourth Subdivision (final reading). Council Member Yerger moved, seconded by Council Member Jacobus to hold final reading of Ordinance 5506. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. City Clerk provided final reading. Mayor Getzschman called for a final vote on the Ordinance. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. Ordinance 5506 is approved.
29. Ordinance 5507 amending Exhibit B of Ordinance 5427 Section 11-504.01 regarding placement and density of multifamily dwellings (final reading). Council Member Legband moved, seconded by Council Member Jensen to receive into the record a revised version of Ordinance 5507. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. Council Member Jacobus moved, seconded by Council Member Yerger to continue the item to the next meeting. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
30. Council Member Ellis item - Reconsideration of Resolution 2019-188 for a conditional use permit to allow agricultural crops planted and cultivated in residential zoning inside the City limits at SunRidge Place, generally located at between Military Avenue. Council Member Ellis moved, seconded by Council Member Yerger to reconsider Resolution 2019-188. Ayes: Ellis, Bechtel, Yerger, Jensen, Jacobus. Nays: McClain, Kuhns, Legband. Motion carried. Council Member Jacobus moved, seconded by Council Member Bechtel to include a 5-year limitation on the conditional use permit. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Nay: Kuhns. Motion carried.

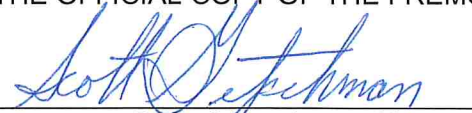
NEW BUSINESS: requires individual associated action

31. Consider recommendation from the Joint Water Management Advisory Board (JWMAB), Resolution 2019-238 to authorize Northeast Nebraska Economic Development District to provide grant administration and authorize the City Administrator to sign an agreement with JEO Consulting Group on behalf of the JWMAB. Council Member Jensen moved, seconded by Council Member Legband to approve Resolution 2019-238. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
32. Resolution 2019-239 of the City Council of the City of Fremont, Nebraska, authorizing City of Fremont, Department of Utilities Staff to sign a purchase agreement with S.T. Cotter for U8 Turbine Valves and Generator Inspection. Council Member Jacobus moved, seconded by Council Member Jensen to amend the Resolution to read "Now therefore be it resolved by the Mayor and City Council authorize department of Utilities staff to sign a purchase agreement and issue a purchase order to S.T Cotter for Unit 8 Turbine Valves and Generator Inspection for the amount of \$339,933.00. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. Council Member Jacobus moved, seconded by Council Member McClain to approve Resolution 2019-239 as amended. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.

34. Ordinance 5517 to create a clean energy assessment district; to establish definitions; to provide for the financing, administration, and collections, to promote energy efficiency improvements and renewable energy systems known as Property Assessed Clean Energy (PACE) District (first reading). Council Member Jacobus moved, seconded by Council Member Yerger to amend the Ordinance to have the City Council function as the appeals board. Ayes: Ellis, Bechtel, Yerger, Jensen, Jacobus. Nays: McClain, Kuhns, Legband. Motion carried. Council Member Jensen moved, seconded by Council Member Yerger to hold first reading of the amended Ordinance. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. City Clerk provided first reading
35. Council Member Yerger item - Motion to approve authorization of the City Attorney to research other communities, develop an implementation plan, and draft a City Policy for instituting public prayer at the beginning of all Fremont City Council Meetings. Council Member Jacobus moved, seconded by Council Member Bechtel to approve the City Attorney to research other communities, development an implementation plan, and draft a City Policy for instituting public prayer at the beginning of all Fremont City Council Meetings. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jacobus, Legband. Nay: Jensen. Motion carried.
36. Council Member Yerger item - Motion to approve requiring the City Clerk to prepare, maintain and present a cumulative informative report on Open Meeting Period discussion topics, including drop box card topics, compiled from prior meetings, along with the City's action type designation (actionable/non-actionable), action assignment, the disposition status and the date of resolution of actionable items. Council Member Yerger moved, seconded by Ellis to require City staff to compile report and place the item in the record without comment. Ayes: Ellis, Yerger, Jacobus. Nays: McClain, Kuhns, Bechtel, Jensen, Legband. Motion failed.
37. Adjournment. Council Member Jacobus moved, seconded by Council Member Kuhns to adjourn. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.

APPROVED AND ACCEPTED THIS 26TH DAY OF NOVEMBER AS THE OFFICIAL COPY OF THE FREMONT, NEBRASKA CITY COUNCIL MINUTES FOR NOVEMBER 12, 2019.


Tyler Ficken, City Clerk


Scott Getzschman, Mayor